

Bulletin of

Board News and Enforcement Actions



Spring 2000, no. 27

CALIFORNIA BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
Online at www.dca.ca.gov/pels

NOTICE TO ALL LICENSEES

Section 463.5: Providing Notice of Licensure

Senate Bill 2238 (Chap. 879, Stats. 1998) added Section 138 to the Business and Professions Code, requiring all boards, bureaus, programs, and commissions within the Department of Consumer Affairs to adopt regulations that require its licensees to provide notice to their clients that the practitioner is licensed by the State of California.

Effective March 10, 2000, Title 16, California Code of Regulations section 463.5 requires all individuals licensed by this Board to provide notice to their clients that they are licensed by this Board. Failure to provide notice to clients could result in the Board taking action against the licensee.

The Board for Professional Engineers and Land Surveyors has provided several options for its licensees to help them to meet this requirement. For example, licensees may display their wall certificates in a public area of their office. The Board realizes that many licensees have multiple offices and can only display the wall certificate in one. Another option is to post a notice listing the licensees. This notice must be in at least 48-point type, which will make it large enough to reasonably be noticed. Licensees also have the option of providing a statement to their clients, which must be signed and dated by the clients. This will ensure that the client has been notified that the licensee is licensed. The licensee also has the option of including the statement on either letterhead or on a contract for services. If the statement is made on a contract, it must be in at least 12-point type immediately above the signature line of the client.

As of March 10, 2000, when this regulation became effective, all professional engineers and professional land surveyors licensed by this Board must provide notice to their clients that they are licensed by this Board. The actual language of section 463.5 is printed on page 21. As with all new regulations, questions are bound to arise. Some have been referred to the Board's legal staff.

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HOW TO CONTACT BOARD STAFF

Mailing Address

California Board for Professional
Engineers and Land Surveyors
Post Office Box 349002
Sacramento, CA 95834-9002
Street: 2535 Capitol Oaks Drive, # 300
Sacramento, California 95833-2944

Fax Number

(916) 263-2246

Internet Address

<http://www.dca.ca.gov/pels>
(general information, Board laws and
rules, Consumer Guide, exam
information and applications, Board
forms including complaint form,
enforcement reports, and license
lookup)

General Information

(916) 263-2222

License Verification

(916) 263-2222 or
www.dca.ca.gov/pels/

Executive Staff

Cindi Christenson, P. E.
Executive Officer
(916) 263-2230

Patricia E. Canterbury
Assistant Executive Officer
(916) 263-2230

Staff Engineers

Susan Christ, P. E. (Civil)
(916) 263-2247

Eileen Crawford, P. E. (Civil)
(916) 263-5438

Ignacio Lopez-Alvarez, P. E.
(Mechanical)
(916) 263-2248

Staff Land Surveyor

Howard W. Brunner, P. L. S.
(916) 263-2271

Examinations/Licensing

Susan Christ, P. E.
Exam Development
(916) 263-2247

Eileen Crawford, P. E.
Licensing
(916) 263-5438

Ignacio Lopez-Alvarez, P. E.
Exam Administration
(916) 263-2248

Legislation

Joanne Arnold
Program Manager
(916) 263-2283

Website

Diane Barbosa
Webmaster
(916) 263-2237

Enforcement

Joanne Arnold
Program Manager
(916) 263-2283

Nancy Eissler
Enforcement Analyst
Attorney General Case Information
(916) 263-2241

Sally Strubinger
Lead Enforcement Analyst
(916) 263-2251

Cady Davis
Enforcement Analyst
(916) 263-2253

Margie Freeman
Enforcement Analyst
(916) 263-2249

Donna Vaum
Enforcement Analyst
(916) 263-2250

Mariann Fagunes
Complaint Information/Enforcement
Outreach Coordinator
(916) 263-2233

Nancy Cook
Organization Record Information
(916) 263-0937

EXECUTIVE OFFICER'S UPDATE

by Cindi Christenson, P. E.

I appreciated all the comments I received about my article in the Spring 1999 Bulletin with the "office tour" which looked at some of the Board's different functions. But one of the reasons I chose the engineering field was the limited amount of required writing, so those of you who prefer shorter articles will be happy this time around with my brief article providing a summary of issues regarding the Board's recent sunset review.

The Joint Legislative Sunset Review Committee (JLSRC) has made its final recommendations regarding the Board for this year's sunset review. Twelve issues were identified and a summary of these follows:

- There is a substantial risk of physical harm to the public from faulty engineering and land surveying work. Therefore, the licensing and regulation of engineering and land surveying should be continued. However, due to the Board's complex regulatory structure, whereby a distinction exists between the authority of title act disciplines and practice act disciplines, the Board's sunset date should be extended for only two years.

- The current requirement is that the Board membership include five licensed professional engineers and one licensed land surveyor. The JLSRC recommends that one of the licensed professional members of the Board should be from a local public agency and another from a state agency. Currently, one of the professional members of the Board is from a local public agency.

- The Department of Consumer Affairs, the umbrella agency of which the Board is a part, will conduct an independent review of title act regulation and supplemental practice between disciplines.

- The Board has sponsored legislation to incorporate three recommendations of the JLSRC which will require written contracts for engineers and land surveyors, authorize the Board to adopt a code of professional conduct for engineers and land surveyors, and move the definitions of electrical engineering and mechanical engineering from regulation to statute. It is Assembly Bill 2629, authored by Assembly Member Dave Cox.

- By 2004, the Board should utilize the national land surveying and structural engineering examinations. The state-specific supplemental examination to be used in conjunction with each of these examinations should test only on those areas that are unique to California.

- The Board, upon appropriate justification, should seek a fee increase in order to avoid a budget deficit projected to occur by fiscal year 2001/02.

If you would like to review the report in its entirety it is available at: http://www.sen.ca.gov/ftp/SEN/COMMITTEE/JOINT/SUNSET_REVIEW/_home/pubs.htm. Once there, scroll down to the Board for Professional Engineers and Land Surveyors to access the 2000 report. ▼

SCHEDULE OF COMMITTEE AND BOARD MEETINGS

Wednesday, May 31
and Thursday, June 1, 2000*
Red Lion Hotel Redding
1830 Hilltop Drive
Redding, CA

July 27 & 28, 2000*
Mission Inn
3649 Mission Inn Avenue
Riverside, CA

September 7 & 8, 2000
Bay Area

October 19 & 20, 2000
San Diego Area

December 14 & 15, 2000
Sacramento/Board Office

**Agendas are posted at
www.dca.ca.gov/pels
seven-ten days
before each meeting.**

**NOTE: Sites are dependent upon
approval from the Department of
Consumer Affairs. For more
information, contact Jacqueline
Barclay at (916) 263-1436.*

USE OF RESTRICTED TITLES

Mission Statement

The mission of the Board for Professional Engineers and Land Surveyors is to safeguard the life, health, property, and public welfare by regulating the practice of professional engineering and professional land surveying.

We:

Qualify and license individuals

Establish regulations

Enforce laws and regulations

Provide information so that the public can make informed decisions.

Vision Statement

The Board assures that:

Qualified applicants are licensed as quickly as possible.

Licenses maintain continuing competency.

Disputes are resolved for consumers and licensees promptly and impartially.

Adequate information is available to all through a high-profile, comprehensive information program.

Violations of the law are discouraged before they happen and are investigated and adjudicated promptly when committed.

It is managed strategically and its budget is performance-based.

Legislative changes are approached proactively.

Its performance is measured against defined standards and it periodically evaluates its programs and policies in light of emerging trends, practices, and technologies.

The professional engineering and professional land surveying laws and regulations are clear, relevant, unambiguous, and functional.

It will attract highly competent staff who contribute to the integral success of the Board and will maintain a work environment where employees are satisfied and produce because they feel valued and challenged.

In the past few years, the Board has been receiving more and more complaints regarding the use of restricted titles by unlicensed individuals. Business and Professions Code sections 6732, 6736, 6736.1, and 6762.5 list the titles that can only be used by individuals who hold a valid current or retired license as a Professional Engineer from this Board. B&P Code sections 8747.5, 8751, and 8775 list the titles that can only be used by individuals who hold a valid current or retired license as a Professional Land Surveyor from this Board. These sections also state that the use of any combination or abbreviation of the titles listed is also restricted only to licensees. In addition, the titles (or abbreviations) of “Engineer-in-Training” (EIT) or “Land Surveyor-in-Training” (LSIT) can only be used by those individuals who have actually been issued an EIT or LSIT certificate by this Board.

Individuals who have an EIT or LSIT certificate are not allowed to use any of the titles that apply to the professional level of licensure. In addition, individuals who have a degree or who are licensed in another state are not exempt from the restrictions. All of these people are considered to be “unlicensed” since the California Board for Professional Engineers and Land Surveyors has not issued them a professional engineer or land surveyor license.

Some examples of titles which cannot be used by unlicensed people are “assistant civil engineer,” “project structural engineer,” “junior engineer – electrical,” “associate professional engineer,” and “assistant land surveyor.”

When the Enforcement Unit contacts unlicensed individuals about complaints and to advise them that they cannot use a restricted title unless they are licensed by this Board, the most common responses are, “Well, my employer told me that was my title,” or “My employer ordered my business cards with that title on it,” or “But that’s what my personnel classification is.” Although these responses are usually true, they do not excuse the violation of the law that has occurred by the unlicensed person using a restricted title. And, while it is not a violation for an employer to use a restricted title for its own internal personnel classifications, it is a violation for an unlicensed person to use that title to refer to himself or herself. For example, an employer could classify a subordinate position as “assistant engineer – mechanical” and fill that position with an unlicensed person, but that person could not use that title on anything other than internal personnel documents.

The Enforcement Unit will soon be sending out a notice to all governmental agencies that employ engineers and surveyors reminding them that they are not exempt from the laws and that they cannot allow their unlicensed employees to use restricted titles.

The simplest rule of thumb to use in deciding if someone can use a restricted title is this: If the person in the position is not licensed, then that person cannot use a restricted title.

If you have information and evidence to suggest that an unlicensed individual is using a restricted title, you may contact the Board’s Enforcement Unit at (916) 263-2233 or at bpelsenforce@dca.ca.gov. ♦

by Nancy Eissler, Enforcement Analyst

LESSONS FROM EARTHQUAKES: SEISMIC DESIGN AND BRACING OF NONSTRUCTURAL ELEMENTS

The Mechanical Engineering Technical Advisory Committee will prepare, from time to time, articles dealing with proper engineering design in minimizing seismic damage to mechanical systems. Past METAC Member Farshad Arfaa, M.E., prepared the following article at the TAC's request.

The recent earthquakes in Turkey, Greece, and Taiwan have once again focused attention on the importance of proper engineering design in minimizing seismic damage and loss of lives. After each earthquake, the U.S. news media has concentrated on the obvious structural damage to buildings. Little or no mention is made of the less obvious failure of building nonstructural systems. As a result, key lessons from such catastrophes are either lost or only slowly assimilated into U.S. codes and manufacturers' design standards.

Nonstructural damage from previous earthquakes has often led to the temporary or long-term shutdown of critical facilities such as hospitals. There have been examples of broken sprinkler or chilled water piping, collapsed cooling towers, and dislodged emergency engine-generators, chillers and air handlers. Ironically, the buildings housing these systems often sustain minimal or no structural damage. In the week following the January 17, 1994 Northridge Earthquake, five medical facilities were effectively shut down due to nonstructural damage and approximately 915 patients were evacuated.

In the U.S., several codes and industry standards contain provisions for the seismic design and bracing of nonstructural elements. Among these are the 1997 UBC published by the International Conference of Building Officials (ICBO) and the 1991 "Seismic Restraint Manual, Guidelines for Mechanical Systems" published by the Sheet Metal and Air Conditioning Contractors' National Association (SMACNA). The UBC, like other codes, primarily provides general requirements (e.g., lateral force levels) for the seismic bracing of nonstructural components. SMACNA's guideline, however, is much more detailed providing many methods of bracing piping systems and ductwork. These guidelines, combined with other sources such as the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) HVAC Application handbook and base-isolation and anchor manufacturer publications provide the professional engineer with the basic information required for securing and bracing of nonstructural building systems against seismic forces.



Unfortunately, two important areas are not adequately addressed in the aforementioned guidelines. The first has to do with the operating characteristics of mechanical equipment such as chillers and fans. Rotating and moving parts in this machinery result in forces or loads at their points of support (often base-isolators). The coupled impact of these and seismic forces on the equipment's base-isolators and anchors is often overlooked during the design phase. One reason for this may be the lack of clarity of roles between the mechanical, structural, and at times acoustical engineers, when it comes to the design and specification of seismic restraints. Another reason may be the general lack of awareness of potential problems in this area.

A second area that has traditionally been overlooked in some of the most common codes and guidelines is the seismic design of equipment enclosures. During the late 1980's, I held a position responsible for reviewing the physical design of telecommunications equipment to ensure adherence to certain requirements. One of these requirements was the operation of the telecommunications equipment during and subsequent to an earthquake. In order to assess this functionality, we often subjected the equipment to dynamic (e.g., using shaker tables) and/or static loads. Of course, the design of the equipment enclosure was key to the survival of the electronics. The requirements, tests, and analysis were based on standards published by Bellcore as well as guidelines such as the IEEE 344-1975 (IEEE Recommended Practices for

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RELIABLE INFORMATION — FREE!!

Reliable information is priceless. Now, you can get reliable access to the information you need from the Board for free -- if you already have a computer and access to the internet, or if you can get to your local library and use a computer there.

The correct, up-to-date information needed to answer the questions on this page is available on the Board's Internet website at www.dca.ca.gov/pels

You can look up the law in a book, but the book is outdated as soon as a new law is enacted. You can look at a printed list of California engineers and land surveyors, but what about the guy who hasn't renewed his license since ten days after the list was printed, or the woman who passed her structural exam last week?

The Board's website is the best way to find the LATEST law and the most up-to-date information on Board licensees, Board rules, and other matters affecting licensees and consumers alike.

*Is the
engineer who did
these plans
licensed in
California?*

The information you see on the front page of this newsletter about a new regulation requiring licensees to provide notice of licensure was on the Board's website the day after the regulation became effective: March 10, 2000.

All new or amended Board regulations and statutes are added to the online version of the Board's Laws and Rules publication when they are adopted, whereas the Board's printed version is compiled every other year.

Having said all that, it is still possible to obtain a copy of the Board's laws and rules in print form. The 2000 Board Laws and Rules publication was printed in April. One copy is available free to Board licensees.

Send a letter to the Board's mailing address (see p. 2) with your license number(s) to request a free copy. E-mail requests will **not** be honored. Non-licensees must enclose a check for \$5.00 payable to the Department of Consumer Affairs.

The website continues to grow, and it is saving money . . . in a two-week period this spring, the number of application packages for the professional engineers examination which were downloaded from the Internet, rather than mailed to applicants, saved over \$300 in postage. Now, the complete geotechnical examination application package has been added to the website, and will be followed by the structural application, the land surveyor's application, and the EIT and LSIT applications.

A numerical list of civil engineers and land surveyors has been added to the website to make it easy to find the name that goes with the number on a monument. Civil engineer license numbers issued prior to 1/1/82 (#33965) are listed (after that date, civil engineers may practice only "engineering surveying"). Land

surveyor license numbers are listed from 1891 to the present. The list addresses the problem caused when the Board moved its licensing information to a new database. Numbers that were not active at the conversion time are not in the license lookup database.

With the ability to look up the license status, address of record, and any possible disciplinary actions taken against all current Board licensees, it's clear why publications like the Board's Roster (700+ pages) as well as smaller ones like the Handbook of Laws and Rules are less efficient than an information source that is updated when changes occur. Remember: www.dca.ca.gov/pels -- current, reliable information about your profession that you can find whenever you need it. ♦

*Where
can I find an
UP-TO-DATE
copy of the law
on corner records?*

*Need a list of
licensed land
surveyors in San
Dimas . . . or
Susanville?*

DESIGN AND SAFETY OF TEMPORARY STRUCTURES

The Structural Engineering Technical Advisory Committee prepared this article discussing their concerns about the safety of temporary structures such as those found in amusement parks.

Building officials have an important role to play in protecting public health and safety when evaluating the design and safety of temporary structures.

The Uniform Building Code does not clearly define design requirements for temporary structures. Section 3103, Volume 1 of the Uniform Building Code for Temporary Buildings and Structures states the following: “Temporary buildings or structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the *building official* for a limited period of time.”

The SETAC recommends that building officials consider the following items in their review of temporary structures:

Public health and safety - Structures shall be structurally safe; the public must be protected.

Occupancy - Public protection does not include private or individual use.

Inspection - Installation and condition of temporary/fixed structure.

Engineering - Engineered for each site-specific application.

Site Specific conditions - Review of the attachment to the ground and/or attachment to the existing structure and verification of the adequacy of the supporting structure.

Duration - The period of time a temporary structure is in place or in use may affect the design values for certain types of construction materials.

Building departments may not always have the opportunity to review or have knowledge of temporary structures placed within their individual jurisdictions. The Structural Engineering Technical Advisory Committee recommends that individual cities in California evaluate the permit and approval process for the design and construction of temporary structures. ♦

Lessons from Earthquakes . . . continued from page 5

Seismic Qualification of Class 1E Equipment for Nuclear Power Generating Stations). As a result of this program, damage to telecommunication equipment at our facilities subsequent to the Whittier, Loma Prieta and Northridge earthquakes was minimal to none.

In 1989, I had the opportunity to work at a large telecommunications firm in Japan. I was impressed with this firm's effort to ensure the seismic survival of not only its telecommunications equipment but also the mechanical and electrical building infrastructure that supported it. It was not uncommon for air conditioning equipment to be analyzed and tested for seismic survivability. In the U.S., several cooling tower manufacturers have taken steps to offer seismically bolstered versions of their product in California. Unfortunately, this has not carried over to other types of mechanical and electrical equipment. Chiller and air handler manufacturers, for example, rarely consider seismic survivability in their design. Several local agencies have in good faith started requesting seismic calculations for equipment during the plan check process. Unfortunately, in the absence of federal regulations, these calculations are not readily available from manufacturers, which leads to delays in the plan check process.

An awareness of the various codes, guidelines and design parameters increases the seismic survival of nonstructural building systems. This awareness can be fostered through the offering of courses and seminars by universities and other institutions as well as the testing of candidates for professional engineering licensure. It is hoped that nonstructural building component manufacturers can incorporate seismic design and testing in the development of their products. ♦

Information on Retired Status

As reported in the Board's Fall 1999 newsletter, a retired status for engineers and land surveyors became law on January 1, 2000 (Business and Professions Code sections 6762.5, 6799, 8745.5 and 8805). The retired status is for licensees who are no longer active in their profession, and therefore don't want to pay the \$160 license renewal fees.

Carefully read the following features of a retired status before deciding whether or not to change your status:

Once a license is retired, the retired status license holder cannot perform, or offer to perform, any engineering or surveying, including consulting.

The only way to return a retired license to active status is by re-taking and passing the professional examination.

The following conditions must be met to qualify for the retired status:

- licensed by the California Board as a PE or PLS for a minimum of five (5) years
- licensed within the United States or territories as a PE or PLS for a minimum of 20 years, and
- hold a California license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline.

Fee:

Proposed regulations to implement the retired license status were publically noticed in March, 2000, with a one-time, lifetime fee of \$87.50 for each retired license. However, this fee has not been finalized, so do **NOT** send any money yet.

License Renewal:

The enacting legislation was written so that a person can convert a delinquent license to a retired status without paying any penalty fees. If your license is currently subject to renewal, but you are sure you want to convert to the retired status, you may choose not to renew your license and convert to retired status when the program is operational later this year.

The retired license status will allow you to continue to receive all regular mailings from the Board.

Title use:

The retired license status will allow you to legally use the titles "retired professional engineer," "professional engineer, retired," or either of those titles with the branch designation inserted for the word "professional" (for example, "retired civil engineer" or "civil engineer, retired,") or the titles "retired professional land surveyor" or "professional land surveyor, retired."

Timeline:

If there is no opposition to the proposed regulations, we anticipate that the program will be fully operational by late Summer or early Fall 2000. Additional information will be included in future newsletters, and the information under the heading "Retired Status" on the Board's website will be updated as soon as additional information is available. ♦

Speakers Available

Members and staff of the Board are available to speak to your professional association, staff meeting, or college class upon request. Face-to-face communication with current and future licensees is an important part of the Board's role. Meetings provide the opportunity for two-way communication, allowing the Board to hear comments and concerns from the engineering and land surveying professions.

Please contact the Board office if you would like a representative to attend a future meeting, and let us know if there is a specific topic you would like addressed.

TAC MEMBERS NEEDED

Civil Engineering, Electrical Engineering, Geotechnical Engineering, Mechanical Engineering, Structural Engineering, and Land Surveying Technical Advisory Committees

- The Board is recruiting applicants for two members each on the above listed Technical Advisory Committees, to be appointed in July 2000. The committees advise and assist the Board in matters related to civil, electrical, geotechnical, mechanical, and structural engineering, and land surveying.
- Each TAC has five Board-appointed members who serve a two-year term. Members can be reappointed for one additional two-year term.
- TAC members receive per diem and expenses, but are not paid.
- Applicants must be expert civil, electrical, geotechnical, mechanical or structural engineers or land surveyors and hold current, valid, and unrestricted licenses.
- Applicants should not have been subject to Board disciplinary action and should not be under investigation by the Board.

Applications and Deadline

- Applications are available on the "Forms" section of the Board website (www.dca.ca.gov/pels) or by contacting Celina Calderone at 916/263-2234, or by e-mail at celina_calderone@dca.ca.gov
- Positions will be filled in July 2000.
- Applications will be evaluated by appropriate Board members and staff, including Civil Engineering Board Member Ted Fairfield, P. E.; Electrical Engineering Board Member Vincent DiTomaso, P.E.; Geotechnical Engineering Board Member Jim Foley, P. E.; Mechanical Engineering Board Member Quang D. Vu, P.E., Structural Engineering Board Member Gregg Brandow, S.E., and Land Surveyor Board Member George Shambeck, P. L.S.
- Appointments will be made by the Board.

Civil, Land Surveying and Traffic SMEs Needed

Subject matter experts in civil engineering, land surveying, and traffic engineering are needed. The examination development process is similar to that noted in the article to the right on geotechnical and structural engineering SMEs.

If you are interested, contact the appropriate person listed below:

Civil Engineering: Susan Christ, PE, 916/263-2247 or susan_christ@dca.ca.gov

Land Surveying and Traffic Engineering: Denise Tomlinson, (916) 263-2277 or denise_tomlinson@dca.ca.gov

BOARD SEEKS SUBJECT MATTER EXPERTS IN GEOTECHNICAL and STRUCTURAL ENGINEERING

In order to ensure that examinations are valid and accurately reflect the knowledge, skills, and abilities required for competent practice of geotechnical and structural engineering in California, the Board recruits licensed geotechnical and structural engineers as subject matter experts (SMEs) throughout the development, grading and setting of the cutscore for the geotechnical and structural engineering examinations.

The Board needs SMEs to participate in the following conferences:

- **Geotechnical Exam Field Test (Oct 2000 Exam):** August 7th - 8th, Sacramento

- **Geotechnical Exam Grading (Oct 2000 Exam):** December 7th - 9th, Carmel

- **Structural Exam Field Test (Oct 2000 Exam):** July 28th-29th, San Francisco

- **Structural Exam Grading (Oct 2000 Exam):** December 1st - 2nd, Monterey

Engineers who participate in examination development receive an honorarium of \$22.21 per hour and full reimbursement for their travel expenses.

Most participants in exam development find the experience interesting, challenging, and rewarding. Many elect to return year after year. Additionally, participants in the exam development conferences may receive a one-hour continuing education credit from other states for each hour of participation.

If you are interested in participating in the above conferences or in other aspects of exam development, please contact Mark Flores (for geotechnical exams) at (916) 263-0922 or by e-mail at mark_flores@dca.ca.gov or Andrea Swan (for structural exams) at (916) 263-2279 or by e-mail at andrea_swan@dca.ca.gov.

Board's Pilot Technical Inspector Program Will Help Counties Clean Up Records of Survey

The law requires that a record of survey or corner record be filed within 90 days of completion of a field survey or the setting of monuments. The law also requires that the record be resubmitted within 60 days after the county surveyor has returned it to the practitioner for corrections. However, many counties throughout the state lack the funding and/or personnel to pursue resubmission of records of survey and corner records. Often, surveys that haven't been resubmitted don't come to the top of the stack until a subsequent practitioner has trouble finding a record of an earlier survey. The Board's Enforcement Unit has heard that one surveyor in a central California county has failed to resubmit 25 records.

This spring, local jurisdictions are being notified that the Board has a pilot Technical Inspector Program that will assist county surveyors to obtain compliance. The inspectors will be going to various county offices to perform checks of county records. In addition, a county can request the Board to send an inspector to go through the unfiled records of survey and corner records in order to obtain compliance and, when appropriate, initiate disciplinary action against the responsible practitioner. The practitioner, not the county, is the party responsible for compliance with the law. For questions regarding this program, contact Enforcement Analyst Mariann Fagunes by telephone at (916) 263-2233 or by e-mail at mariann_fagunes@dca.ca.gov

The pertinent language of Business and Professions Code sections 8762, 8765(d), and 8767, as well as California Code of Regulations, Title 16, Chapter 5, Board Rule 464, is printed below. The full text of these sections and other related sections (8762.5 through 8771.5), is on the Board's website (www.dca.ca.gov/pels) and in the newly printed 2000 edition of the Board Laws and Rules. ♦

From: 8762. Records of survey

... The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first.

If the 90-day time limit contained in this section cannot be complied with for reasons beyond the control of the licensed land surveyor or registered civil engineer, the 90-day time period shall be extended until such time as the reasons for delay are eliminated. If the licensed land surveyor or registered civil engineer cannot comply with the 90-day time limit, he or she shall, prior to the expiration of the 90-day time limit, provide the county surveyor with a letter stating that he or she is unable to comply. The letter shall provide an estimate of the date for completion of the record of survey, the reasons for the delay, and a general statement as to the location of the survey, including the assessor's parcel number or numbers.

The licensed land surveyor or registered civil engineer shall not initially be required to provide specific details of the survey. However, if other surveys at the same location are performed by others which may affect or be affected by the survey, the licensed land surveyor or registered civil engineer shall then provide information requested by the county surveyor without unreasonable delay. ...

8765(d) Record of survey - exemptions

A record of survey is not required of any survey: ...

(d) When the survey is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with those records are found and sufficient monumentation is found to establish the precise location of property corners thereon, provided that a corner record is filed for any property corners which are set or reset or found to be of a different character than indicated by prior records. For purposes of this subdivision, a "material discrepancy" is limited to a material discrepancy in the position of points or lines, or in dimensions.

8767. Approval of record; changes; resubmittal

If the county surveyor finds that the record of survey complies with the examination in Section 8766, the county surveyor shall endorse a statement on it of his or her examination, and shall present it to the county recorder for filing. Otherwise the county surveyor shall return it to the person who presented it, together with a written statement of the changes necessary to make it conform to the requirements of Section 8766. The licensed land surveyor or registered civil engineer submitting the record of survey may then make the agreed changes and note those matters which cannot be agreed upon in accordance with the provisions of Section 8768 and shall resubmit the record of survey within 60 days, or within the time as may be mutually agreed upon by the licensed surveyor or registered engineer and the county surveyor, to the county surveyor for filing pursuant to Section 8768.

464 (c), (d), (e) Corner records

(c) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

(d) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.

(e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.

The Law Regarding Monument Preservation

The Board has received an overwhelming number of complaints from civil engineers and land surveyors who can't find monuments because they've been removed or paved over. Many cases have been opened against the engineers or surveyors in responsible charge of construction and improvement projects in which monuments have been removed or obliterated. As the economy has improved, road maintenance, improvements, and new road construction by private developers and by state and local jurisdictions has increased dramatically. The good news — it shows no signs of slowing down. The bad news — some developers, state agencies, cities, and counties are failing to conform to the requirements of Business and Professions Code section 8771 (see below), which requires that monuments that are destroyed must be reset or new corners must be set and records must be filed to document their locations.

Agencies are responsible for preserving existing monumentation whether they do the work themselves or contract that work out. The Board's land surveyor consultant, Howard Brunner, P.L.S., has prepared sample language that developers, cities, counties and other agencies can use when contracting out work that might destroy monuments (see sidebar). Many jurisdictions the Board has worked with have also included these provisions in their encroachment and permit processes. ♦

8771. Record of survey - monumentation

(a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to assure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, or relocated and a corner record or record of survey of the references shall be filed with the county surveyor. They shall be reset in the surface of the new construction, a suitable monument box placed thereon, or permanent witness monuments set to perpetuate their location and a corner record or record of survey filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area. **It shall be the responsibility of the governmental agency or others performing construction work to provide for the monumentation required by this section.** It shall be the duty of every land surveyor or civil engineer to cooperate with the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(c) The decision to file a corner record or a record of survey shall be at the election of the licensed land surveyor or registered civil engineer submitting the document. [emphasis added]

Sample Contract, Permit, and/or Plans Language

Contractor is responsible for preservation and/or perpetuation of all existing monuments which control subdivisions, tracts, boundaries, streets, highways, or other rights-of-way, easements, or provide survey control which will be disturbed or removed due to contractor's work. Contractor shall provide a minimum of 10 working days notice to project engineer/surveyor prior to disturbance or removal of existing monuments. Project engineer/surveyor shall coordinate with contractor to reset monuments or provide permanent witness monuments and file the required documentation with the County Surveyor pursuant Business and Professions Code section 8771.

Enforcement Analyst Sally Strubinger discusses the Board's efforts to ensure electronic advertising conforms to the laws enacted to protect California consumers.

Observe the Law When Advertising on the Internet

Engineers and land surveyors are licensed by the State of California under the Department of Consumer Affairs to protect the public health, safety, and welfare. The titles "civil engineer," "land surveyor," "structural engineer," etc., all signify that the state has examined the individual and determined he or she has a minimum level of competence. However, some licensed, as well as unlicensed, individuals misuse the restricted titles in advertising their services to the public.

The Enforcement Unit is in the process of checking Internet yellow pages sites listing civil, electrical, and mechanical engineers and land surveyors. We are comparing the names of the individuals listed on the sites against our licensing database. We are also checking the businesses listed to see if their required Organization Record form is on file. Individuals who are not licensed, or individuals who are licensed in a discipline other than the discipline under which they are listed, will be notified that their listing under the designated title must be discontinued. Complaints may be opened against individuals, licensed or unlicensed, who fail to remove their listings.

We have found many land surveyors listed under the heading "civil engineers." Although the law allows a licensed land surveyor to offer *incidental* civil engineering services, a land surveyor **cannot** be listed under the restricted title "civil engineer." We will be checking the listings under land surveyors, mechanical engineers, and electrical engineers for similar violations. We have found many businesses with fictitious business names that are listed under "civil engineers" but have not filed an Organization Record form with our Board, as is required by Business and Professions Code sections 6738, 8729, and 8775.1.

The Enforcement Unit will contact individuals and businesses whose status cannot be verified to ensure that they comply with the law by removing inappropriate advertisements or, in the case of business listings, filing an Organization Record. Initially, problems with licensees will be handled on an informal basis. However, complaints may be opened against licensed individuals and companies that are not willing to comply with the law. ♦

ENFORCEMENT ACTIVITIES

Dismissal

Effective March 27, 2000, the Board adopted the Proposed Decision of the Administrative Law Judge which dismissed the accusation against James A. Sanders, Jr., of Fair Oaks, California. It was determined that cause for discipline under section 6775 (b) for negligence or for deceit/misrepresentation was not established by clear and convincing evidence to a reasonable certainty.

Citations

Citations are an alternative way to enforce the laws prohibiting unlicensed practice of engineering or land surveying. Citations are also issued to licensed engineers and land surveyors when the severity of a violation may not warrant suspension or revocation of a professional's right to practice. When a fine is levied with a citation, payment of the fine represents satisfactory resolution of the matter. [Business & Professions Code section 125.9(d)] Certified copies of citation decisions are available from the Board's Enforcement Unit for ten cents per page plus a two dollar certification fee. Noncertified copies are free. Please include the subject's name and the citation number in your request. All requests must be made in writing.

Investigation revealed that Joel A. Bailey of Tustin, California represented himself as a Professional Land Surveyor by including the initials "PLS" following his name on a business card, a violation of Business and Professions Code sections 8751 and 8708. Bailey paid the \$250 administrative fine on November 19, 1999.



. . . more on next page

SANDERS, JAMES A. JR.
Civil Engineer C 23545
Accusation Number 675-A
Dismissed

BAILEY, JOEL A.
Unlicensed
Citation 5031-U
Final: November 3, 1999
Action: \$250 fine

Disciplinary Terminology

Final or Effective Date: *The date the disciplinary action takes effect.*

Probation: *The licensee may continue to practice under specific terms and conditions.*

Revocation, or revoked: *The license is cancelled and the right to practice is ended.*

Stayed: *The revocation or suspension is delayed.*

Suspension: *The licensee is prohibited from practicing for a specific period of time.*

Voluntary Surrender/Surrender of License: *The licensee turns in the license to the Board. The right to practice is ended.*

COXE, FRED J., III
Unlicensed
Citation 99-0201-U
Final: March 31, 2000
Action: \$1000 fine

FONG, KEVIN KWOK
Unlicensed
Citation 5033-U
Final: November 1, 1999
Action: \$250 fine

LIM, YANG-JAN
Civil Engineer C 36783
Citation 5034-L
Final: November 1, 1999
Action: \$500 fine

PANNU, BALDEV SINGH
Civil Engineer C 38599
Structural Engineer S 3474
Citation 5035-L
Final: February 22, 2000
Action: \$250 fine

PRETZINGER, RICHARD THOMAS, JR.
Land Surveyor L 7113
Citation 5036-L
Final: February 17, 2000
Action: \$1000 fine

Investigation revealed that Fred J. Cox, III of Sacramento, California, violated sections 6787(h) and (j) of the Business and Professions Code. The records of the Board show that Fred J. Cox, III is not licensed by the Board as a Professional Engineer. Investigation revealed that he represented himself as a professional engineer by using the initials "P.E." in the signature block of ten letters that he had signed. The administrative fine has been paid.



Investigation revealed that Kevin Kwok Fong of Sacramento, California, affixed a piece of paper that was stamped and signed by a civil engineer to a set of plans and other documents in order to submit those documents to a local building department in violation of Business and Professions Code sections 6787 (d), (j), and 6732. Kwok stated he was given the stamped and signed pieces of paper to affix to the civil engineering documents and admitted taping the stamped and signed paper to the engineering documents so that the project would not be delayed. The engineer in responsible charge of the project gave him the pieces of paper, as he was not going to be available to personally sign and stamp the plans. Citation 5033-U imposed an administrative fine of \$250. Fong paid the fine on October 29, 1999.



Investigation revealed that Yang-Jan Lim of Millbrae, California, allowed an unlicensed individual to affix his stamp and signature to a set of plans that were submitted to a local building department in violation of Business and Professions Code sections 6775(d) and 6732. Lim admitted that he had given the unlicensed person pieces of paper that he had signed and stamped so that the project could proceed without delay, as he was not available to stamp the original drawings. Lim also stated that he had reviewed the plans with the unlicensed person but admitted that he did not always see the final plans before they were "stamped." Citation 5034-L imposed a \$500 administrative fine which Lim paid October 25, 1999.



Investigation revealed that Baldev Singh Pannu, of Carson, California, violated Business and Professions Code sections 6775(b), misrepresentation, and 6787(b) by providing false evidence to the Board on a reference form dated July 27, 1995, that was submitted to verify an applicant was qualified to be licensed as a civil engineer. Pannu admitted that the applicant whose employment he was verifying had not performed any engineering services while working in his office, but said that he completed the form to help "an aspiring employee become an engineer." The administrative fine has been paid.



Investigation revealed that Richard Thomas Pretzinger Jr., of Lake Arrowhead, California, violated sections 8780 (c) and 8672 of the Professional Land Surveyor's Act. Pretzinger admitted failing to file a record of survey within 90 days of having set survey monuments and also failing to timely notify the County Surveyor in writing that he could not comply with the 90-day requirement for filing. The administrative fine has been paid.

Disciplinary Actions

Administrative disciplinary actions are taken by the Board against licensees who are in violation of the Professional Engineers Act and/or the Professional Land Surveyors Act. Certified copies of these Board decisions may be obtained from the Board's Enforcement Unit at a charge of ten cents per page plus a two dollar certification fee. Noncertified copies are available at no charge. Please include the subject's name and the accusation number in your request. All requests must be made in writing.

The Board has taken action against Donald Edward Jaragosky, land surveyor license L 5142, of Pahrump, Nevada, under Business and Professions Code section 141. Jaragosky's Nevada land surveyor's license was suspended by the Nevada Board of Professional Engineers and Land Surveyors as a consequence of his failure to comply with orders given him by that Board. The California Board has the authority to take action against a licensee based on a disciplinary action taken by another state for any act substantially related to the practice regulated by the California Board. In evaluating the factors in extenuation and mitigation, the Board concluded that Jaragosky did not engage in fraud, deceit, negligence or incompetence in his practice of land surveying, but that he had acknowledged that there were errors in a survey he had completed in his stipulation with the Nevada Board.

Jaragosky's license has been suspended for sixty days, however, suspension was stayed and he was placed on probation for one year under terms and conditions including the requirement that he pay \$2,300 to the Board for its costs of investigation and enforcement in this matter.



The Board has found that Gordon Alan Levitt of Encino, California, is subject to disciplinary action under Section 6775(b) and Title 16, California Code of Regulations Section 415, for negligence and incompetence in the practice of engineering and for practicing outside his area of competency. In November of 1989, Levitt was retained by Aetna Insurance Company to provide geotechnical and structural engineering services for the evaluation and repair of structural distress to a single-story wood frame residence and swimming pool located in Woodland Hills.

Levitt visually inspected the house, swimming pool, and lot, reviewed available records, interviewed the home owner, and collected and tested soil samples at the site and in a laboratory. He prepared a letter reporting his evaluation and recommendations for repair to Aetna Insurance. His geotechnical engineering work and recommendations were negligent in that he failed to adequately describe the types of testing performed on the property. His recommendations for treating the problems were not consistent with the findings he reported. In a default decision, the Board revoked Levitt's license, effective January 17, 2000.



Accusation 672-A alleges that Bruce Joseph Manning, of Temecula, California, is subject to disciplinary action under Business and Professions Code section 6775. In 1996, Manning was hired to prepare the structural calculations and construction drawings for an animal barn to be built in Fresno. He submitted a report of his calculations and unsigned, unstamped plans he had prepared. Based upon the calculations and plans Manning provided, construction of the barn was commenced by a general contractor, but the barn could not be built according to the plans, which were incomplete and inaccurate. A different civil engineer was retained to revise and complete the calculations, prepare appropriate plans, and oversee construction of the project. This caused substantial additional expense to the property owners and construction of the barn

JARAGOSKY, DONALD EDWARD
Land Surveyor L 5142
Accusation 687-A
Effective March 27, 2000:
60-day suspension,
suspension stayed, one year
on probation.

LEVITT, GORDON ALAN
Civil Engineer C 20298
Accusation 651-A
Effective January 18, 2000:
Revoked.

MANNING, BRUCE JOSEPH
Civil Engineer C 38456
Accusation 672-A
Effective January 18, 2000:
Revoked, revocation stayed.
30-day actual suspension.
Four years on probation.

**PETROVSKY, LADISLAV
PETER
Civil Engineer C 37022
Accusation 425-A
Effective October 25, 1999:
Revoked, revocation stayed;
20-day actual suspension,
three years on probation.**

was delayed by more than a year. Manning's conduct was negligent and incompetent.

Additionally, the Nevada State Board of Professional Engineers and Land Surveyors suspended Manning's Nevada State Engineer's license in 1997. The two-year suspension was for submission of incomplete, unclear, and unprofessional plans for a project in that state. The Nevada Board stayed the suspension and imposed probation for two years. Under Business and Professions Code section 141, a disciplinary action taken by another state for an act substantially related to the practice regulated by the California license may be a ground for disciplinary action by the California Board.

In a stipulation in settlement and decision, Manning admitted to all of the allegations and agreed to the Board's penalty. His license was revoked, but the revocation was stayed and Manning was placed on probation for four years. Among the terms and conditions was a 30-day actual suspension beginning January 18, 2000. Manning was required to notify all clients and employers of this disciplinary action. He was ordered to complete educational requirements in the area of his violation, pass the California Laws and Board Rules examination and the California Seismic Principles examination, and make restitution of \$5,000 to the property owners. He was also required to have a licensed physician submit an assessment of his physical condition and ability to perform the duties of a professional civil engineer. If the physical examination reveals he is not physically capable of performing the work of a civil engineer, Manning will be suspended from the practice of civil engineering until his doctor reports that he is physically able to resume those duties.



Accusation No. 425-A alleges that Ladislav Peter Petrovsky, of Agoura, California, violated Business and Professions Code section 6775(b) by committing acts of negligence and incompetence in the practice of professional engineering. The accusation alleges that Petrovsky, in 1985, submitted structural calculations and drawings to the County of Los Angeles for the purpose of obtaining a building permit to construct a single-family dwelling in Malibu, California. These drawings were each signed and stamped by Petrovsky. The residence was to be a two-story wood frame structure supported on an elevated reinforced concrete pier and beam-foundation structure. Both sets of calculations submitted by Petrovsky were substantially deficient in that they contained conflicting information and significant errors and building code discrepancies and were in conflict with the information provided on the drawings. The drawings were also substantially incomplete. As a result of these deficiencies, no competent contractor could have constructed the proposed structure from the drawings and calculations. If, in fact, a structure had been built in compliance with the drawings and calculations, it would have been unstable and subject to structural failure or collapse under loading conditions less than or equal to the minimum design loads established by the applicable building code. The accusation further alleges Petrovsky's client suffered significant monetary damages and delay.

The Board, in adopting the Proposed Decision, determined that Petrovsky had been negligent and incompetent in his professional engineering work on this project. It was also determined that even though it may be true that the structural drawings and calculations were prepared by one of Petrovsky's employees, that employee was working under Petrovsky's responsible charge. In addition, Petrovsky's involvement in the project was direct and pervasive; he either knew or should have known about the deficiencies in the calculations and drawings. As a professional engineer, Petrovsky is responsible for the acts of his employees in the conduct of his business. Consequently, he cannot avoid responsibility by claiming that his employee was responsible for the state of the drawings and calculations. It was also determined that either Petrovsky or

his employee placed Petrovsky's stamp on the drawings and calculations and that Petrovsky signed them; thus, Petrovsky is responsible for them. This responsibility is present whether or not the plans are final plans; however, the evidence did show that the drawings and calculations were intended to be final plans.

The decision of the Board ordered Petrovsky's registration revoked. The revocation was stayed and Petrovsky was placed on probation for three years from October 25, 1999 (the effective date of the decision), with certain terms and conditions including suspension of his registration as a civil engineer for 20 days beginning 30 days after the effective date of the decision. Other conditions included the requirement that Petrovsky make restitution in the amount of \$2,500 to his client by February 22, 2000, and that he successfully complete and pass, with a grade of "C" or better, six units of continuing education approved in advance by the Board. The continuing education was required to be specifically related to the nature of the violations. In addition, Petrovsky was required to notify all clients and employers of the violations, findings and discipline imposed pursuant to the decision within 30 days of the effective date.



Effective January 18, 2000, Accusation 637-A against Richard Thomas Pretzinger, Jr. was withdrawn. A citation will be issued reflecting Pretzinger's admission that he failed to file a Record of Survey within 90 days of having set survey monuments and failed to notify the County Surveyor in writing that he could not comply with the 90-day requirement for filing. See report on p. 14.



In 1994, Levi Rodriquez of Costa Mesa, California was hired to determine if the framing system of a residence in Whittier, California was adequate to support a new tile roof, which would be heavier than the existing wood shake roof. He submitted a report concluding the framing system was adequate and, based upon Rodriquez's authorization, the old wood shake roof was removed from the residence and a new tile roof was installed. The tile roof placed too great a load upon the framing system, because the framing system was not appropriate to sustain the weight. In the years following installation of the tile roof, several diagonal kickers supporting the roof failed, a large portion of the roof sagged, cracks developed on the interior and exterior wall surfaces and the garage was in a state of near collapse.

As a result of Rodriquez's erroneous representation that the framing system was suitable and adequate to support a new tile roof, the owners of the residence incurred, or will incur, substantial expense to repair the roof, wall surfaces, garage, and other items of damage.

In November of 1999, Rodriquez signed a Stipulation in Settlement and Decision in which he freely and voluntarily admitted the charges of Accusation 671-A and that he had subjected his civil engineer's license to disciplinary actions. Rodriquez agreed to the penalty imposed by the Board.

Effective March 27, 2000, Rodriquez's license was revoked, but the revocation was stayed and Rodriquez was placed on probation for five years under terms and conditions including, but not limited to, requirements that he take two college-level classes related to each violation and a course in professional ethics. He is also required to successfully pass the California Laws and Board Rules examination. He was also required, as restitution, to submit in writing, within 15 days of the effective date of the order, the names of three roofing contractors to the property owner. Each of the three must hold valid roofing contractor's licenses with the state of California, shall use only professional full time in-house labor, and have workers'

PRETZINGER, RICHARD THOMAS, JR.

Land Surveyor L 7113

Accusation 637-A

**Effective January 18, 2000:
Withdrawn.**

RODRIQUEZ, LEVI

Civil Engineer C 21639

Accusation 671-A

**Effective March 27, 2000:
Revoked, revocation stayed;
five years on probation.**

SIKORA, CHARLES VICTOR
Land Surveyor L 4126
Accusation 644-A
Effective December 6, 1999:
License revoked, revocation
stayed. Four years on
probation.

compensation and liability insurance coverage in place at all times, and must be ready, willing and able to replace the roof on the residence. Within 15 days of the property owner's selection of one of the three contractors, Rodriquez shall enter into a contract with the contractor and will be bound to pay the roofing contractor for all services provided for the re-roofing project. Rodriquez must also provide the roofing contractor with a professional engineering report detailing the structural requirements for installation of the new roof. The decision requires Rodriquez to provide evidence to the Board that the roof removal and replacement be completed within 90 days of the effective date of the order.

If the work has not been completed by that date, Rodriquez, as an alternative, is ordered to pay the property owner the sum of \$29,675. If probation is violated, the Board may vacate the stay of revocation and reinstate revocation.



Charles Victor Sikora of North Fork, California was registered with the Board under land surveyor license L 4126, but he allowed his license to expire on June 30, 1996 and did not renew it until June 16, 1999. In a stipulated settlement entered into in order to resolve this accusation, Sikora admitted that he was subject to disciplinary action under California Business and Professions Code sections 8780, 8708, 8751, 8761 and 8761.1.

In 1989, Sikora contracted to perform a survey in Tulare County for the Mt. Whitney Council of the Boy Scouts of America. In April 1990, the Tulare County Public Works Department returned Sikora's Record of Survey maps of the project and requested revisions. From January 10, 1991 through September 17, 1996, the county sent Sikora five letters concerning work not completed.

On June 30, 1996, Sikora allowed his license to expire. Despite not having a valid license, he acted as a professional land surveyor and attempted to complete his work on the project. It was not completed until nine years after the contract was entered into and after Accusation No. 644-A was filed in March 1999.

In September 1989, the United States Forest Service awarded Sikora a contract to perform land surveying services in the Sierra National Forest. Sikora failed to complete the project in a timely matter. He did not file a Record of Survey, and the paper work and survey records he submitted did not comply with the contract specifications. He did not complete the contract until September 1999.

Sikora stipulated to the Board's decision and order. His license was revoked, but revocation was stayed and Sikora was placed on probation for four years under several terms and conditions, including the requirement that he provide the Board with evidence he has provided a copy of the Board's decision and order to all persons and entities with whom he has a contractual or employment relationship that involves the practice of professional land surveying. Throughout the probationary period, he must similarly notify any new persons or entities he contracts with to provide land surveying services. Among the other terms is the requirement that Sikora successfully complete and pass a course in professional ethics, and that he complete and pass the California Laws and Board Rules examination.



TICE, THOMAS HERBERT
Land Surveyor L 5196
Accusation 676-A
Effective April 26, 2000:
Revoked.

A Default Decision and Order was issued by the Board on February 25, 2000 revoking the land surveyor license of Thomas Herbert Tice of Yorba Linda for negligence and incompetence under Business and Professions Code section 8780 (a) and (c), 8762 (e) and 8772 as well as section 464 (c) of title 16 of the California Code of Regulations.

In January of 1997, Tice completed a property boundary survey in Newport

Beach, California. He failed to use acceptable survey methods in establishing and retracing the boundary lines. He incorrectly marked the location of a property line causing both his client and an adjoining neighbor to incur substantial expense in landscaping and construction of a masonry wall before the mistake was discovered. Tice also set an untagged monument during the course of conducting the survey. Furthermore, he failed to file a record of survey in the time required by section 8672 (e) of the Professional Land Surveyor's Act or file a Corner Record as required by Board Rule 464 (c).

Tice's license was revoked effective April 26, 2000.



Effective January 17, 2000, the Board ordered Tiit Andres Veske of Redwood City, California, be publicly reprovved for failure to file a record of survey in a timely manner. In July of 1997, Veske was hired to determine whether or not a newly erected fence had encroached on his client's property. The fence had been built two feet south of its prior location following a survey by a licensed land surveyor hired by his client's neighbor. Veske gathered record documents, including the two deeds of record of survey; analyzed the deeds in relation to the prior survey; reviewed those survey documents; discussed the matter with that surveyor; and went to property and made field measurements. Veske concluded the location of the fence was in agreement with the previous survey. He did not file a record of survey within 90 days of reporting his conclusions to his client. At the direction of the Board, he did so in March of 1998. That record of survey did not conform to the standard of care for licensed surveyors in the preparation of a record of survey. Veske filed a second record of survey on November 12, 1998, also at the Board's direction, which was approved by the county surveyor. The Board found that Veske, licensed as a land surveyor since 1989, has a reputation for careful and thorough land surveying work and submissions, and for being knowledgeable regarding the filing requirements for records of survey. However, the Board also found that Veske violated Business and Professions Code 8780(a) by negligently preparing the initial record of survey. Furthermore, the Board found that Veske's arguments that he was not required to file a record of survey were not legitimate or grounded in law and common sense and therefore he was in violation of Business and Professions Code sections 8700(c) and 8762 for failing to file a record of survey in the time required by law. Effective January 17, 2000, the Board ordered public reprovval for Veske and ordered him to pay \$1,358.33 to the Board for costs of investigation and enforcement.



Effective May 8, 2000, Warren P. Whaley, Jr., of Cupertino, California, entered into a stipulation to settle the matter of Accusation 673-A. Whaley admitted that he was negligent in the preparation of plans by including an easement prior to confirming that the easement was obtained. As a result of his negligence, the parking lot for Moss Beach Distillery in Moss Beach was built on a portion of the neighbor's property. Whaley agreed that he subjected his license to discipline pursuant to Business and Professions Code section 6775 (b).

In accepting Whaley's stipulation, the Board ordered that Whaley's license be revoked, but that the revocation was stayed and he was placed on probation for a period of four years with certain terms and conditions, including payment of restitution of \$2,500 to the injured party. In addition, he must pass two college-level courses, approved in advance by the Board within three years of the effective date. Within two years of the effective date, he must pass a course in professional ethics. He must also reimburse the Board for investigative and enforcement costs of \$2,418.50. . . . more

VESKE, TIIT ANDRES
Land Surveyor L 6231
Accusation 659-A
Effective January 17, 2000:
Reprovval.

WHALEY, WARREN P. JR.
Civil Engineer C 15197
Accusation 673-A
Effective May 8, 2000:
Revoked, revocation stayed.
Four years on probation.

WU, FRANCIS FRITZ
Civil Engineer C 19278
Structural Engineer S 1854
Accusation 679-A
Effective January 18, 2000:
Both licenses revoked,
revocations stayed. 60-day
actual suspension. Four
years on probation.

Accusation 679-A alleges that Francis Fritz Wu, of Concord, California, certified plans that failed to meet the minimum code requirements of California Building Code section 106.3.3. The plans were prepared for leveling drainage improvement work to a single-family residence in Pittsburg, California. The plans lacked details and failed to provide material specifications. In addition, Wu was negligent in failing to inspect the property before any work was performed and failing to determine what caused the settlement problems. Wu also failed to ensure that a soil engineer was engaged, as he recommended to the contractor, failed to indicate that he reviewed a soil engineer's report; and failed to ensure that the soil engineer's recommendations were incorporated in the design of the remedial work.

In addition, cause for discipline exists under Business and Professions Code section 6775(d) in that Wu aided and abetted another person in the unlicensed practice of engineering by stamping a letter, which was not prepared under his responsible charge. He did not inspect the property; he merely adopted a letter provided by the contractor as his certification letter, allowing the contractor to furnish the certification letter to the homeowner as evidence of his inspection and certification.

In a stipulated settlement, Wu agreed to the truth of all charges and allegations in the accusation. The Board ordered both of Wu's licenses revoked, however, the revocations were stayed for four years, during which time Wu was placed on probation under certain terms and conditions, including the following. His licenses were suspended for 60 days commencing January 18, 2000. Within three years, Wu must successfully complete and pass, with a grade of "C" or better, two college-level courses specifically related to the area of violation as well as a course in professional ethics. He was required to complete and pass the California Laws and Board Rules examination. In addition, within 30 days of the effective date, Wu was required to provide all persons or entities with whom he has a contractual or employment relationship in the area of professional engineering with a copy of the decision and order of the Board and provide the Board with the name and business address of each person or entity required to be notified.



INFORMATION ON BOARD LICENSEES

Current information on Board licensees, including information on disciplinary actions, is available on the Internet at www.dca.ca.gov/pels -- You can search for information by license number, name, city, county, or zip code. The license lookup site indicates if there has been a disciplinary action and gives the details of any actions. Most public libraries provide Internet access to the public for a small fee. Licenses can also be verified by telephoning the Board at (916) 263-2222.

The 1998 Professional Engineers and Professional Land Surveyors Roster includes licensee information as of March 31, 1998. Disciplinary actions are not included. It may be ordered from: Department of General Services Publications Section, P. O. Box 1015, North Highlands, CA 95660. Include order # 7540-957-1100-0 and a check or money order for \$50.00 (includes shipping and handling) payable to: Procurement Publications. Shipping delivery is not made to post office boxes; you must include your street address. If you have any questions, call (916) 928-4630.

E-mail Notification of Board News

If you'd like to be notified when this newsletter is available on the Board's website (it's posted there before the print copies are mailed) rather than receive a print copy in the mail, please go to the Publications section of the Board's website and use the form there to submit your e-mail address.

You will be notified when the next newsletter is posted and may also receive notices from the Board, such as the one on this newsletter's first page, from time to time.

Starting with this issue (Bulletin 27), although the online newsletter will look like the print version, it will have interactive links both in the table of contents and in the text to items referenced in the text. If you still wish to have a print copy, but would like to see the newsletter online before you get a copy in the mail, check the website in late Spring and again in early Winter. ♦

NOTICE OF LICENSURE: California Code of Regulations, Title 16, Chapter 5, Section 463.5 ... continued from page 1

The answers will be included in the next issue of this newsletter. If you have any questions, please contact the Board's Enforcement Unit by telephone at (916) 263-2233 or by e-mail at bpelsenforce@dca.ca.gov.

Section 463.5. Providing Notice of Licensure.

Every licensee shall provide notice to his or her clients that the licensee is licensed by the Board for Professional Engineers and Land Surveyors. Notice shall be provided by one or more of the following methods:

(a) Displaying his or her wall certificate in a public area; or office; or individual work area of the premises where the licensee provides the licensed service.

(b) Providing a statement to each client that states the client understands the licensee is licensed by the Board for Professional Engineers and Land Surveyors. Said statement shall be signed and dated by the client and shall be retained in the licensee's records.

(c) Including a statement that the licensee is licensed by the Board for Professional Engineers and Land Surveyors either on letterhead or on a contract for services. If said statement is included on a contract for services, it shall be placed immediately above the signature line for the client in at least 12 point type.

(d) Posting a notice in a public area of the premises where the licensee provides the licensed services that states the named licensee is licensed by the Board for Professional Engineers and Land Surveyors. Said notice shall be in at least 48 point type. ♦

EXAMINATION SCHEDULE 2000 - 2004

Examination Date **Final Postmark Date for Filing** **Engineer-in-Training (EIT/FE) and Land Surveyor-in-Training** **(LSIT/FLS)**

October 28, 2000	(Saturday)	September 1, 2000	(Friday)
April 21, 2001	(Saturday)	February 16, 2001	(Friday)
October 27, 2001	(Saturday)	September 7, 2001	(Friday)
April 20, 2002	(Saturday)	February 15, 2002	(Friday)
October 26, 2002	(Saturday)	September 6, 2002	(Friday)
April 12, 2003	(Saturday)	February 14, 2003	(Friday)
October 25, 2003	(Saturday)	September 5, 2003	(Friday)
October 30, 2004	(Saturday)	September 3, 2004	(Friday)

Special Civil/Seismic Principles and Engineering Surveying

October 28, 2000	(Saturday)	July 21, 2000	(Friday)
April 21, 2001	(Saturday)	January 5, 2001	(Friday)
October 27, 2001	(Saturday)	July 20, 2001	(Friday)
April 20, 2002	(Saturday)	January 4, 2002	(Friday)
October 26, 2002	(Saturday)	July 19, 2002	(Friday)
April 12, 2003	(Saturday)	January 3, 2003	(Friday)
October 25, 2003	(Saturday)	July 25, 2003	(Friday)
October 30, 2004	(Saturday)	July 23, 2004	(Friday)

Chemical, Civil, Electrical, and Mechanical

October 27, 2000	(Friday)	July 21, 2000	(Friday)
April 20, 2001	(Friday)	January 5, 2001	(Friday)
October 26, 2001	(Friday)	July 20, 2001	(Friday)
April 19, 2002	(Friday)	January 4, 2002	(Friday)
October 25, 2002	(Friday)	July 19, 2002	(Friday)
April 11, 2003	(Friday)	January 3, 2003	(Friday)
October 24, 2003	(Friday)	July 25, 2003	(Friday)
October 29, 2004	(Friday)	July 23, 2004	(Friday)

Agricultural, Control System, Fire Protection, Geotechnical, Industrial, Manufacturing, Metallurgical, Nuclear, Petroleum, and Traffic

October 27, 2000	(Friday)	July 21, 2000	(Friday)
October 26, 2001	(Friday)	July 20, 2001	(Friday)
October 25, 2002	(Friday)	July 19, 2002	(Friday)
October 24, 2003	(Friday)	July 25, 2003	(Friday)
October 29, 2004	(Friday)	July 23, 2004	(Friday)

Land Surveying

April 20, 2001	(Friday)	January 5, 2001	(Friday)
April 19, 2002	(Friday)	January 4, 2002	(Friday)
April 11, 2003	(Friday)	January 3, 2003	(Friday)
April 16, 2004	(Friday)	January 2, 2004	(Friday)

Structural

October 27 & 28, 2000	(Fri/Sat)	July 21, 2000	(Friday)
October 26 & 27, 2001	(Fri/Sat)	July 20, 2001	(Friday)
October 25 & 26, 2002	(Fri/Sat)	July 19, 2002	(Friday)
October 24 & 25, 2003	(Fri/Sat)	July 25, 2003	(Friday)
October 29 & 30, 2004	(Fri/Sat)	July 23, 2004	(Friday)

Board Publications

Many of the publications listed immediately below are available on the Board's website and all are available from the Board office upon receipt of payment or, if there is no charge, upon request. Checks should be made payable to **Department of Consumer Affairs**.

Professional Engineer Plain Language Pamphlet (on website)	\$5.00
Professional Land Surveyor Plain Language Pamphlet (on website)	\$5.00
2000 Handbook of Laws and Rules (on website)	\$5.00*
1998 Sunset Review Report with 1999 Supplement (on website)	\$5.00
Consumer Guide to Engineering and Land Surveying (on website)	Free
Bulletins for 1999 and this issue are on the website.	Free

For information on license lookup/Roster, see p. 20, "Information on Board Licensees."

* Board licensees are entitled to a free copy by sending a written (not e-mail) request including license number.

OCTOBER 1999 EXAMINATION STATISTICS

Discipline		# Tested	# Passed	% Passing	Cutscore
E-I-T		2162	941	43.52%	70 of 100
L-S-I-T		163	52	31.9%	95 of 170
Chemical		43	18	41.86%	48 of 80
Electrical		218	25	11.47%	48 of 80
Mechanical		275	101	36.73%	48 of 80
Civil	Princ & Prac	1660	414	24.94%	48 of 80
	Seismic	1797	706	39.29%	168 of 289
	Survey	1772	835	47.10%	145 of 300
Geotechnical		103	34	33.01%	440 of 924
Industrial		7	2	28.57%	39 of 80
Manufacturing		3	1	33.33%	48 of 80
Nuclear		1	1	100%	44 of 80
Petroleum		16	3	18.75%	42 of 80
Agriculture		1	0	0%	48 of 80
Fire Protection		34	21	61.76%	52 of 80
Control Systems		17	14	82.35%	38 of 80
Traffic		73	36	49.32%	63 of 112
Structural		246	98	39.84%	714 of 1405
Total Number of Exams Administered:				8,591	

California Board for Professional Engineers and Land Surveyors

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**California Board for Professional
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